



TR. CMP(MD)No.128 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

TR. C.M.P.(MD)No.128 of 2024

K.Mamtha Meena Sukumari

...Petitioner/Respondent

Vs.

V.Hariprasad

...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to order to withdraw and transfer the case in H.M.O.P.No.86 of 2023 on the file of the Sub Court, Sathiyamangalam, Erode District and transfer the same to the Family Court, Madurai and to be tried along with HMOP.No.1366 of 2023.

For Petitioner : Mr.S.Alagarsamy
Respondent : Appeared in person

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No. 86 of 2023 from the Sub Court, Sathiyamangalam, Erode District, to the file of the Family Court, Madurai.



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2. The learned counsel appearing for the petitioner would aver, among other things, that the respondent filed H.M.O.P.No.86 of 2023 on the file of the Subordinate Court, Sathiyamangalam, Erode District, for dissolution of marriage. The petitioner submits that distance between the residence of the petitioner to Erode District is 204 kms and therefore, she is not in a position to travel and seeks for transfer. He would submit that the petitioner has filed HMOP.No.1366 of 2023 on the file of the Family Court, Madurai, for restitution of conjugal rights

3.The respondent is present before this Court and he submitted that he is working in Bangalore and the case may be transferred to nearby place.

4. Heard the learned counsel for the petitioner and perused the materials placed on record. Heard the respondent, who has appeared in person.



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5. I am satisfied with the reasons stated in the affidavit filed in support of this petition. It is well settled law that convenience of woman is to be taken into consideration at the time of considering transfer applications as held by the Supreme Court in the judgment reported in **2008(9)SCC 353 (Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta)**. I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following direction:

The Subordinate Court, Sathiyamangalam, Erode District, is directed to transmit the entire records in H.M.O.P.No.86 of 2023 to the file of the Family Court, Madurai, within a period of two weeks from the date of receipt of copy of this order to be tried along with HMOP.No.1366 of 2023 and for disposal on merits.

No costs.

26.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Principal Sub Judge, Tenkasi
2. The Judge, Family Court, Tirunelveli

2. The Section Officer,
V.R Section,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J.

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